

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11641 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

JAMES LUCKOSE FERNANDES

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 11641 of 2001
MR GD ACHARYA for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1
MR DA BAMBHANIA for Respondent No. 2
MS SEJAL K MANDAVIA for Respondent No. 3
MR PJ MEHTA for Respondent No. 4

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 21/02/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP Shri K.L. Pandya for respondent No. 1, learned advocate Shri D.A. Bambhania for respondent No. 2, learned advocate Ms. Sejal Mandavia for respondent No. 3 and learned advocate Shri P.J. Mehta for respondent No. 4. At the request of the learned advocates, the matter is finally heard today.

2. The grievance of the petitioner, who is a retired employee of respondent No. 2, is with regard to lesser payment of pension, non-payment of gratuity and non-payment of other amount, which he was entitled to get upon his retirement. Learned Advocate Shri Acharya appearing for the petitioner has submitted that though the petitioner is entitled to the amount of gratuity, no amount of gratuity has been paid to the petitioner by respondent No. 2. Moreover, even the amount of pension, which has been fixed, is also very meagre. According to him, the pension paid to him is only Rs. 150/- and the said amount of pension has not been fixed properly. The amount of pension ought to have been more. It has been also submitted that the petitioner has made several representations to the respondent authorities, but till today he has not received any favourable reply from the concerned respondent.

3. Looking to the facts of the case, in my opinion, it would be just if the respondent authorities are directed to look into this petition as if the petition is a comprehensive representation and take appropriate decision on the petition and convey the same to the petitioner. If any amount is payable to the petitioner, the concerned authority should make the payment as directed hereinbelow.

4. The respondents shall treat this petition as a representation and shall take decision within six weeks on the said representation and if any amount is due and payable, the concerned respondent shall make the payment within a period of eight weeks from the date of receipt of this order by the concerned respondent. It has been submitted by the learned advocates appearing for the respondent authorities that possibly the respondents might have to exchange some correspondence inter-se. If it is to be done, the said formalities shall be done as soon as possible so as to see that a final decision is taken by all the concerned respondents within a period of six weeks from the date of receipt of this order.

4. If the petitioner is not entitled to the amount prayed for in the petition, the concerned respondent

shall record the reasons for not making the payment and the reasons so recorded shall be communicated to the petitioner as soon as possible but not later than eight weeks from the date of receipt of this order.

5. So far as the gratuity is concerned, learned advocate Shri Acharya has submitted that the amount of gratuity has not been paid to the petitioner so far. If the amount has not yet been paid, it shall be paid along with interest at the prevailing rate as per the government rules.

6. In view of the above directions, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service is permitted.

(A.R. Dave, J.)

(hn)